

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2019 JUN 10 PM 2:27
CLERK OF COURT
FEDERAL BLDG
ALEXANDRIA, VA

UNITED STATES OF AMERICA

v.

ANDRIY DERKACH
Defendant

:
:
:
:
:
:
:
:
:
:

Case No: 1:12CR522
Hon. Anthony J Trenga

**DEFENDANT'S NON-CONFIDENTIAL MEMORANDUM
IN SUPPORT OF HIS MOTION TO SEAL**

COMES NOW the Defendant Andriy Derkach, by and through counsel, pursuant to *Local Rule of Court 49(E) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia*, asks for an Order sealing the document attached to his Motion to Seal.

I. Items To Be Sealed and Necessity For Sealing

The Defendant asks the Court to seal the documents filed with the Court trhis day. Sealing is necessary because the document contains sensitive, confidential information. Counsel has considered procedures other than sealing and none will suffice to protect this information from disclosure.

II. Previous Court Decisions That Concern Sealing Documents

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984).

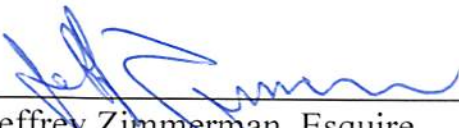
III. Period of Time to Have the Submission Under Seal

The materials to be placed under seal would need to remain sealed permanently or until further Order of the Court.

WHEREFORE, the Defendant respectfully request an Order placing the aforementioned documents Under Seal.

Respectfully submitted,

ANDRIY DERKACH
By Counsel



Jeffrey Zimmerman, Esquire
Virginia State Bar No. 38858
Jeffrey Zimmerman, PLLC
108 N. Alfred Street
Alexandria, VA 22314
Telephone Number: (703) 548-8911
Facsimile Number: (703) 548-8935
Email Address: www.zimpacer.com

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June 2019, a true and accurate copy of the foregoing was served on Kellen S. Dwyer, Assistant United States Attorney, 2100 Jamieson Ave, Alexandria, Virginia, 22314.



JEFFREY D. ZIMMERMAN